



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 30 2011

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Senator McConnell:

Thank you for your letter of May 25, 2011, to President Barack Obama, in which you expressed your concerns with the U.S. Environmental Protection Agency (EPA) proposed rule regarding coal combustion residuals (CCR). I appreciate your comments regarding the CCR rule that the EPA proposed on June 21, 2010.

Under this proposal, the EPA would regulate the disposal of coal combustion residuals for the first time. As you state in your letter, our proposal sought public comment on two different approaches under the Resource Conservation and Recovery Act (RCRA). One option would treat such wastes as "special waste" under Subtitle C of the statute, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The second option would establish standards for waste management and disposal under the authority of Subtitle D of RCRA. The agency is currently reviewing and evaluating approximately 450,000 public comments we received on the proposal before deciding on the approach to take in the final rule based on the best available science.

The EPA's proposal did not propose to regulate the beneficial use of CCR, such as in concrete, and the EPA continues to support safe and protective beneficial use. The EPA has identified concerns with some uses of CCR in an unencapsulated form, in the event that proper practices are not employed. Thus, the EPA solicited comments and information on these types of uses through the proposed rule and is evaluating those comments.

Finally, the EPA did not propose to address the placement of CCR in mines or non-minefill uses of CCR at coal mine sites in the proposed rule. The EPA stated in its proposal that the issue of placing CCR in minefills will be addressed in a separate regulatory action, consistent with the approach of deferring to the Office of Surface Mining recommended by the National Academy of Sciences.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Carolyn Levine, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-1859.

Sincerely,

A handwritten signature in black ink, appearing to read "Mathy Stanislaus", is written over a horizontal line.

Mathy Stanislaus
Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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The Honorable Rand Paul
United States Senate
Washington, D.C. 20510

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Dear Senator Paul:

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Mathy Stanislaus
Assistant Administrator